



TOWN OF NEW WINDSOR

ZONING BOARD OF APPEALS

Regular Session

Date: AUGUST 13, 2007

AGENDA

7:30 p.m. – Roll Call

PRELIMINARY MEETINGS:

1. **PETROLI ENTERPRISES INC. (07-39)** Request for interpretation an/or use variance for equipment sales and rental at 898 Little Britain Road in an NC zone **(3-1-23.1)**
2. **INEZ COOPER (07-40)** Request for variance to permit a 6ft fence located between the principal building and the street at 2420 Settlers Ridge in an R-3 zone **(77-8-20)**
3. **ELTON STANFORD (07-41)** Request for 9ft rear yard setback for existing shed at 20 Hudson Drive in an R-4 zone **(43-1-22)**
4. **STEVEN LARMON (07-42)** Request for variance to permit a 6ft fence located between the principal building and the street at 1 Doral Drive in an NC zone **(19-4-49)**
5. **ANTHONY GILLMEIER (07-43)** Request for 4.5 ft side yard setback and; 6ft rear yard setback for existing shed at 112 Cedar Avenue in an R-4 zone **(18-3-12)**
6. **DOMINIC DESMOND (07-44)** Request for 12 ft rear yard setback for existing deck at 319 Burroughs Lane in an R-4 zone **(75-9-3)**

PUBLIC HEARINGS:

7. **MMJS, INC. (07-30)** Request for:

Interpretation and/or Use Variance for Existing three-family dwelling converted to four-family and;

18 ft. Side Yard Setback for Existing Side Deck and;

43 ft. Front Yard Setback for existing 5 ft. X 16 ft. Front Deck and;

43 ft. Front Yard Setback for existing 5 ft. X 20 ft. Front Deck

All at 1101 Route 94 in an NC Zone **(67-5-6)**

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TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
AUGUST 13, 2007

MEMBERS PRESENT: MICHAEL KANE, CHAIRMAN
KATHLEEN LOCEY
ERIC LUNDSTROM
PAT TORPEY

ALSO PRESENT: MICHAEL BABCOCK
BUILDING INSPECTOR

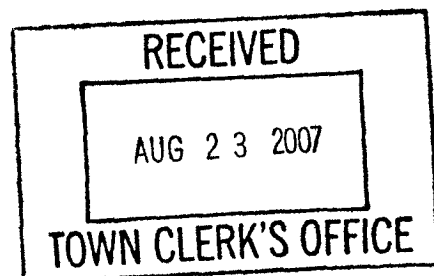
ANDREW KRIEGER, ESQ.
ZONING BOARD ATTORNEY

JENNIFER GALLAGHER
ZONING BOARD SECRETARY

ABSENT: KIMBERLY GANN

REGULAR_MEETING

MR. KANE: I'd like to call to order the August 13,
2007 meeting of the Zoning Board of Appeals.



PRELIMINARY_MEETINGS

PETROLI_ENTERPRISES_INC._(07-39)

MR. KANE: Request for interpretation and/or use variance for equipment sales and rental at 898 Little Britain Road.

Mr. James Petro appeared before the board for this proposal.

MR. KANE: For those of you that haven't been through one of these meetings before in New Windsor we hold two meetings for the zoning board. The first meeting is a preliminary meeting, it allows us to get all the information and make sure that we have all the information from you that we need to make a proper decision. In some other towns you walk in cold, you don't have it, they vote, you lose. So this way if we need anything extra from you then we can tell you at that time and everything we decide is in front of a public hearing and that would be the next meeting. So the exact same thing is going to happen in a public hearing except at that point we'll open it up to the public for discussion on their end. So you're on.

MR. PETRO: Very simply, I have property at 898 Little Britain Road, two buildings there. It's in an NC zone, there's approximately 1.4 acres, it was given a variance, a use variance in 1998 for auto sales and rentals and a body shop. At this time, we have a tenant that's looking at it now and he wants to do equipment rental and sales and the building department had thought that it could have been rental sales, was not a hundred percent in line with what's in the NC zone and thought that an interpretation from the zoning board was in order. Also, we had also thought that most of the NC lots in town anywhere in town are usually about 10,000 square feet or so, it's unusual that one is 1.4 acres so he felt that he didn't really

see a problem with it but thought an interpretation was needed. Also, I lost my train of thought, Mike, with the--oh, it's listed, it's actually listed in a PI zone as a permitted use and it's also listed in a commercial zone so being it was not specifically listed in an NC zone that's basically why I'm here. If it had been listed obviously I wouldn't be here.

MR. KANE: This property has always been used for auto repair, auto sales?

MR. PETRO: Correct. Many years ago it was carburetor shop, body shop, it was always car sales of some kind. Then Jim Smith Chevrolet owned it, that's who I bought it from around 2000 or so but a use variance was given to it before I bought it.

MR. BABCOCK: Mr. Chairman, the use variance is what's got me undecided on this application. If it didn't have the use variance I would say that it probably isn't a permitted use, but with the use variance that he got it says auto repair, auto sales, auto rental and auto body shop.

MR. KANE: These are gas powered?

MR. PETRO: Yes, it's everything from a hedge clipper to a backhoe, I mean, it's the same as United Rental, Volvo Rentals, subsidiary of Volvo Auto.

MR. TORPEY: Much nicer than what they had there before.

MR. KANE: You have some pictures? Did you guys look at pictures?

MS. LOCEY: We did.

MR. PETRO: You probably know the property.

MR. KRIEGER: It's blue in color.

MR. PETRO: It's probably white now. At one time it was blue.

MR. KANE: Obviously, if they gave it a use variance, if that passed then it really the property wasn't being able to be used for anything that was specific for the use in that zone, right?

MR. BABCOCK: Well, what happened was throughout the years the NC zone permitted retail sales which I interpreted as retail sales, could be also cars, shoes, whatever. The Town Board said they didn't agree with me so they changed the zoning along 207, NC zone not to include car sales and that got Jim Smith in a pickle so he had to come to this board to get a variance and he leased cars, he rented cars.

MR. KANE: On the site.

MR. BABCOCK: He repaired cars.

MR. TORPEY: The site is going to be the same thing.

MR. BABCOCK: The issue is and he got a use variance for it so to me the use variance in one spot I'm thinking use variance goes along whether it's a rental of a car because it says car, a lot of spots it says car rental. So if he had a pickup truck there I guess I could violate him, say he can't sell or rent a pickup truck but a pickup truck goes along with it. An SUV, you know, a lot of the spots it says car rentals, again, it was just a word that somebody chose to say car or auto and then now it's, and it's listed in the other zones.

MR. KRIEGER: Probably car is more inclusive than an auto, auto would be specific but with the statutory scheme is that words if they're not defined in the code

and car isn't are to be given their ordinary meaning, people use the car for any kind of motor vehicle and every kind of motor vehicle, it's discriminate.

MR. TORPEY: What's the difference between a car and a tractor?

MR. KRIEGER: Well, that's an interpretation for the board to make after a public hearing but I'm just pointing out that a car doesn't, the word car doesn't restrict the board.

MR. BABCOCK: Just one more thing I wanted to offer is that I was very close to letting this tenant go in there without any board's decision. Then I thought it would be best that we get some help from the board so that if I get, cause nobody does the same thing anymore, you know, the code doesn't list everything that you can do in the zone so that's why I said let me have him come here, get your help and in helping me make that decision because there's motor vehicle letters that have to be sent out for them to get repair licenses and so on and just makes it a lot easier. The last time we sent a letter out they needed auto, the word auto in it for motor vehicle.

MR. KANE: I remember that.

MR. TORPEY: That place has to have a repair shop license?

MR. BABCOCK: Anything that sells or rents stuff has to have a repair license so they can repair a taillight or whatever they repair, it's got to have a motor vehicle license.

MR. TORPEY: So he's still in the--

MR. BABCOCK: He's in the zone for that and the last guy that was there had one.

MR. KANE: Right, the place has had it before.

MR. TORPEY: But you need a repair shop license for a rental.

MR. BABCOCK: Even if you sell trailers.

MR. TORPEY: Well, they have to maintain their own equipment is what I'm saying, that still could fall into that category as a repair.

MR. PETRO: The use really is not changing, it's a continuation of the use, I think the town attorneys looked at it also and came up with that determination. I think you have a letter that says that.

MR. KANE: It's very simple, the site has always been used for that type of thing so my own opinion would be a continuation of a non-conforming use.

MR. TORPEY: Exactly.

MR. KANE: And the use variance sent in in '99.

MR. KRIEGER: Your own opinion subject to the public hearing, subject to whatever information may come forth.

MR. KANE: Right, subject to whatever we hear at the public hearing. I don't see any need personally. How do you guys fell? Need anymore information? I'm willing to set him up for a--

MR. LUNDSTROM: I'll move that the public hearing be scheduled.

MS. LOCEY: I'll second that motion.

ROLL CALL

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MR. TORPEY	AYE
MS. LOCEY	AYE
MR. LUNDSTROM	AYE
MR. KANE	AYE

INEZ_COOPER_(07-40)

MR. KANE: Request for variance to permit a 6 foot fence located between the principal building and the street at 2420 Settlers Ridge.

Ms. Inez Cooper appeared before the board for this proposal.

MR. KANE: Just speak loud enough, name and address for the young lady to hear you.

MS. COOPER: I'm at 2427 Settlers Ridge. I have a corner lot and I'm interested in getting a 6 foot fence. The main purpose is for safety and security of my family as well as to set boundaries for the other neighbors and try to keep the wildlife off my property. And that's pretty much it. I did submit pictures.

MR. TORPEY: Those are pretty good pictures.

MS. COOPER: Thank you.

MR. TORPEY: You should teach everybody how to do that.

MR. KANE: In putting up the fence, going to be cutting down any trees, substantial vegetation?

MS. COOPER: No.

MR. KANE: Creating any water hazards or runoffs?

MS. COOPER: No.

MR. KANE: You're on a corner lot and street goes by, how far off the curb is the fence going to be?

MS. COOPER: Well, they did put the right-of-way, they do have the markings down and I'm within that.

MR. KANE: So at a 6 foot fence, the fence is not going to inhibit the view of any motorists coming down the road?

MS. COOPER: It's not a privacy fence, it's aluminum so it's actually see-through.

MR. KANE: Then it's nothing that's going to inhibit a person's view?

MS. COOPER: No, it's not.

MR. KANE: Let the record show the pictures actually show that too. Any easements going through the area where you're planning on putting the fence?

MS. COOPER: No.

MR. KANE: You said that's a regular chain link aluminum?

MS. COOPER: Picket type fence aluminum.

MR. KANE: Any further questions from the board?

MS. LOCEY: Why is she here because she wants a 6 foot fence?

MR. KANE: Because she can't have a 6 foot fence.

MS. LOCEY: As opposed to a 4 foot or because it's on a corner lot?

MR. KANE: Six foot in the front.

MR. KRIEGER: Four foot in the front, she has two front yards because she's on a corner lot.

MR. KANE: Four foot she wouldn't be here.

MS. LOCEY: Why do you feel you need a 6 foot as opposed to 4 foot?

MS. COOPER: Animals would jump over a 4 foot fence and I'm going to have children, I want to keep them safe.

MR. BABCOCK: The other thing that the applicant to help the applicant a little bit is only part of the fence would be required to be 4 foot so probably wouldn't look very nice to have a 6 foot and then in the same line unless you cornered it off.

MS. LOCEY: Okay, that makes sense.

MR. KANE: I'll accept a motion if there's no further questions.

MS. LOCEY: I'll offer a motion to schedule a public hearing on the application of Inez Cooper as detailed in the agenda of the August 13, 2007 New Windsor Zoning Board of Appeals meeting.

MR. TORPEY: I'll second that motion.

ROLL CALL

MR. TORPEY	AYE
MS. LOCEY	AYE
MR. LUNDSTROM	AYE
MR. KANE	AYE

ELTON_STANFORD_(07-41)

Mr. Elton Stanford appeared before the board for this proposal.

MR. KANE: Request for 9 foot rear yard setback for existing shed at 20 Hudson Drive.

MR. STANFORD: Elton Stanford here to get a variance for a shed, 46 year old shed in my back yard.

MR. KANE: How long has the need shed been in existence?

MR. STANFORD: Forty-six years.

MR. KANE: That's an old shed.

MR. KRIEGER: Put it up when?

MR. STANFORD: 1962.

MR. KRIEGER: That's another--

MR. STANFORD: That's why I don't understand.

MR. TORPEY: And it's still standing?

MR. STANFORD: Yes.

MR. KANE: Let's get you on your way. If you can remember back to 1962, cut down any trees, substantial vegetation in the building of it?

MR. STANFORD: No.

MR. KANE: Create any water hazards or runoffs?

MR. STANFORD: Never.

MR. KANE: More importantly, has there been any complaints formally or informally about the shed?

MR. STANFORD: Never.

MR. KANE: The shed similar in size and nature to other sheds that are in your neighborhood?

MR. STANFORD: Yes.

MR. KANE: Any easements running through where the shed is?

MR. STANFORD: No.

MR. KANE: And you understand that if the zoning board does pass this in the public hearing that you do need to comply with all the building departments rules and regulations?

MR. STANFORD: Yes.

MR. KANE: Mike, is it 12 foot in that neighborhood?

MR. BABCOCK: It's 10 foot.

MR. KANE: We're one foot off the back property line.

MR. BABCOCK: That's correct.

MR. KANE: Guys, here's some pictures. Everybody has them?

MS. LOCEY: Yes.

MR. KANE: Behind the shed you're one foot, what does your neighbor have there? Is there a shed butting up to the property line or is it just plain lawn?

MR. STANFORD: Plain lawn.

MR. KANE: I have no further questions. Anymore questions? I'll accept a motion.

MR. LUNDSTROM: I'll offer a motion that the application by Elton Stanford on the item that appears on the agenda for the August 13, 2007 Zoning Board of Appeals item number 3 be approved for a public hearing.

MR. TORPEY: I'll second that.

ROLL CALL

MR. TORPEY	AYE
MS. LOCEY	AYE
MR. LUNDSTROM	AYE
MR. KANE	AYE

MR. KANE: We have a sheet that tells you what you need to do next and then you follow all that information in there. If you have any questions call zoning office and we'll get you set up for a public hearing and we can make our decision.

MR. STANFORD: Thank you very much.

STEVEN_LARMON_(07-42)

MR. KANE: Request for variance to permit a 6 foot fence located between the principal building and the street at 1 Doral Drive.

Mr. Steven Larmon appeared before the board for this proposal.

MR. KANE: Speak loudly enough for this young lady to hear you.

MR. LARMON: Steven Larmon, 1 Doral Drive.

MR. KANE: Tell us what you want to do, sir.

MR. LARMON: I have two front yards, I'm actually a corner lot, actually live off Doral which is a private road and 94 so perpendicular straight, I just want to increase the height from 4 feet to 6 feet coming out from the side towards 94.

MR. KANE: And the reason to bring the height up?

MR. LARMON: Privacy and security.

MR. KANE: Cutting down trees, substantial vegetation in the bidding of the fence?

MR. LARMON: No.

MR. KANE: Creating any water hazards or runoffs?

MR. LARMON: No.

MR. KANE: Any easements running through the area? You do have an easement in the back yard.

MR. LARMON: I think there's a utility easement back there.

MR. BABCOCK: How did you know that, Mr. Chairman?

MR. KANE: That's why I'm the chairman. I've been waiting 15 years to say that. It says it right there. I'm sorry, Mike.

MR. BABCOCK: I just want to make sure.

MR. KANE: Subject to utility easements, overhead pole and line.

MR. BABCOCK: I see it, yes.

MR. LUNDSTROM: There's nothing underground.

MR. BABCOCK: That won't affect it.

MR. KANE: It's not going to affect him.

MR. BABCOCK: If that was a New Windsor easement we'd want some paperwork done so that if there was any issues with the fence we would be able to remove it but there's no issue there.

MR. KANE: Can you show me just on these two pictures here that shows the road I'm assuming those are the two streets?

MR. LARMON: 94 is up over that rock wall.

MR. KANE: Where is your fence going to be?

MR. LARMON: Right at the edge of the driveway.

MR. KANE: Is the fence itself going to inhibit the view of any traffic coming down either street either way?

MR. LARMON: No, Doral's back here, 94's way up that 12

foot hill and over a rock wall.

MR. KANE: I think we have enough.

MR. LUNDSTROM: Have you had a 4 foot fence there?

MR. LARMON: No, there's nothing there.

MR. KANE: I'll accept a motion.

MS. LOCEY: I'll offer a motion to schedule a public hearing on the application of Steven Larmon as detailed in the agenda of the Zoning Board of Appeals meeting dated August 13, 2007.

MR. TORPEY: I'll second that.

ROLL CALL

MR. TORPEY	AYE
MS. LOCEY	AYE
MR. LUNDSTROM	AYE
MR. KANE	AYE

ANTHONY_GILLMEIER_(07-44)

MR. KANE: Request for 4.5 foot side yard setback and 6 foot rear yard setback for existing shed at 112 Cedar Avenue.

Mr. Anthony Gillmeier appeared before the board for this proposal.

MR. GILLMEIER: Good evening, hopefully I've learned from my predecessors. Anthony Gillmeier, 112 Cedar Avenue. I'm requesting a variance for an existing shed, trying to sell the home and it says here a 4 1/2 foot side yard and 6 foot yard setback for an existing shed. I believe you have pictures.

MR. KANE: Yes, we do. How long has the shed been up?

MR. GILLMEIER: I'm going to say about four years.

MR. KANE: Cut down any trees, substantial vegetation in the building of the shed?

MR. GILLMEIER: No.

MR. KANE: Create any water hazards or runoffs?

MR. GILLMEIER: No.

MR. KANE: Any easements going through where the shed is?

MR. GILLMEIER: No.

MR. KANE: Any complaints formally or informally about the shed?

MR. GILLMEIER: No.

MR. KANE: Shed's similar in size and nature to other

sheds in your neighborhood?

MR. GILLMEIER: Very similar.

MR. KANE: What's the approximate size of the shed?

MR. GILLMEIER: I believe it's a 10 x 14.

MR. KANE: That's the one, the space behind your property?

MR. GILLMEIER: Yes, stone wall there.

MR. KANE: Let the record show there's a stone wall going up to a lawn for the property to the rear of the shed. Pretty straightforward. You also understand that if we do approve this at the public hearing that you're required to meet any of the building department's rules and regulations?

MR. GILLMEIER: Yes, they've been out already so--

MR. KANE: Any further questions? I'll accept a motion.

MR. LUNDSTROM: Mr. Chairman, I'll offer a motion that the application by Mr. Anthony Gillmeier be scheduled for a public hearing as presented on agenda of August 13, 2007 of the Zoning Board of Appeals.

MR. TORPEY: I'll second that.

ROLL CALL

MR. TORPEY	AYE
MS. LOCEY	AYE
MR. LUNDSTROM	AYE
MR. KANE	AYE

PUBLIC_HEARINGS

MMLS,_INC._ (07-30)

Mr. Joseph Minuta appeared before the board for this proposal.

MR. KANE: Request for interpretation and/or use variance for existing three-family dwelling converted to four-family and 18 foot side yard setback for existing side deck, 43 foot front yard setback for existing 5 foot by 16 foot front deck and 43 foot front yard setback for existing 5 foot by 20 foot front deck all at 1101 Route 94.

MR. MINUTA: Mr. Chairman, Joseph Minuta with Minuta Architectural representing MMJS, Inc. for the property. We were before you last for a preliminary hearing, we discussed the property, we have the understanding that it predates not only the Certificates of Occupancy but also zoning. We have obtained a letter from an individual which we supplied earlier today.

MR. KANE: From Mr. Golden.

MR. MINUTA: Yes.

MR. KANE: Let the record show that on August 10, 2007 I'll read this into the record. To Whom It May Concern: I, Matthew Golden, have lived in New Windsor area my whole life. To the best of my knowledge, 1101 Route 94 has always and continuously been used as a four-family dwelling. I have provided my New York State driver's license number, date of birth below to use for further verification purposes. Thank you very much for your time. And it's stamped by a public notary and signed by Matthew Golden. Also witnessed I would guess that's the notary.

MR. TORPEY: Does he live next door?

MR. MINUTA: He's a neighbor next door.

THE APPLICANT: He lives in the building right now, he was born in New Windsor.

MR. KANE: Thank you. That's about it.

MR. MINUTA: I'm happy to answer any questions you have. We have already been through the project once, obviously, it's a existing non-conformance. The client just to refresh your memory purchased this property at foreclosure. Certain things were not disclosed at the time, that's why we're here to bring everything up to code pending approval tonight for the four family use, we'd also be complying with New York State Building Code for different occupancy variances, we have been in contact with New York State the regional office, they're willing to provide the variances requested for ceiling heights, smoke detectors and others which my client will be complying with as well as building department issues such as the stairs and some other items that need to be clarified.

MR. KANE: For the record, how old is the building?

MR. MINUTA: I don't have that information but we understand it was constructed prior to 1966.

MR. KANE: Why don't we do this, why don't we address the decks, we'll take these issues one at a time.

MR. BABCOCK: Mr. Chairman, the building according to our records the building was built in 1880.

MR. KANE: That predates zoning. Let's start off with a 5 x 20 deck.

MR. MINUTA: Yes, the decks are in the front of the property and essentially there's guardrails and there's

windows that adjoin those. So from a safety perspective they're in the front of the building and the windows serving as egress would also protect them from traffic, excuse me, the deck and the guardrail would protect them from traffic and again they're existing.

MR. KANE: And the rails that are in the front of the house those are the ones they protect the deck from the outside?

MR. MINUTA: That's correct, we're very, very close to the road.

MR. KANE: Do you know how old the decks are?

MR. MINUTA: They're relatively new in construction but that could have been a replacement.

MR. KANE: Do you know of any complaints formally or informally about the decks?

MR. MINUTA: Not that we're aware of.

MR. KANE: And the decks are not oversized for that particular neighborhood?

MR. MINUTA: No.

MR. KANE: Then we have a 4 x 15 side deck.

MR. MINUTA: That's a means of egress out of the second apartment.

MR. KRIEGER: Second means of egress.

MR. MINUTA: That's the main means of egress.

MR. KANE: How big is the deck, Joe, approximately for the record?

MR. MINUTA: Five by sixteen and we had the 5 x 20.

MR. KANE: I think I'm seeing two doors that come out to that deck, is that correct?

MR. MINUTA: That's the rear deck, that has two occupancies on the second floor, both are apartments and they both, that deck serves as a means of egress to those occupants.

MR. KANE: Without the deck there it's a safety issue?

MR. MINUTA: Absolutely.

MR. TORPEY: That's the only deck in the back yard, just the one deck?

MR. MINUTA: That's correct. That area isn't to be used as a deck either, it's technically not large enough to be used as a deck, strictly means of egress for both of those.

MR. TORPEY: The rest of them are sitting on the ground.

MR. MINUTA: Exactly.

MR. KANE: Okay, at this point, I'm going to open it up to the public and ask if there's anybody in the audience for this particular hearing that wants to speak? And seeing as there's not, we'll close the public portion of the meeting and ask how many mailings we had.

MS. GALLAGHER: We had 34 addressed envelopes with no returns back.

MR. KANE: Just let the record note we just had the one letter that I read into the record earlier from Mr.

Golden. As far as the interpretation we'll handle that one first, interpretation of use, it's from what we're seeing here it's always been used as a four-family home.

MR. TORPEY: That's just when it sold it got picked up on there.

MR. KANE: And you have actually there's four from what I see in the pictures four electric meters coming into the house already?

MR. MINUTA: There are four distinct apartments, two on the main, two on the second floor.

MR. KANE: Do you know how long that has been used as four family, how long the electric's been there? Just get a little bit more info.

MR. MINUTA: Other than Mr. Golden's testimony with his letter I don't have that information, it predates so many different things being of occupancy and zoning itself that there's really no record that we were able to obtain.

MR. TORPEY: It's been a long time.

MR. MINUTA: Yes.

MR. KANE: Does the board have any further questions? I'd like to make a motion this way, let's do the interpretation and/or use first and then we can take the decks all three at the same time so accept a motion.

MS. LOCEY: I'll offer a motion that the application be interpreted as an existing or pre-existing four-family house as presented on the agenda of the August 13, 2007 Zoning Board of Appeals meeting.

MR. TORPEY: I'll second that.

ROLL CALL

MR. TORPEY	AYE
MS. LOCEY	AYE
MR. LUNDSTROM	AYE
MR. KANE	AYE

MR. KANE: I'll accept a motion on all three decks.

MS. LOCEY: I'll offer a motion to grant the variances as for the existing, for all three existing decks on the application of MMJS, Inc. as detailed on the agenda of the August 13, 2007 Town of New Windsor Zoning Boards of Appeals meeting.

MR. LUNDSTROM: I'll second that.

ROLL CALL

MR. TORPEY	AYE
MS. LOCEY	AYE
MR. LUNDSTROM	AYE
MR. KANE	AYE

VAN_LEEUWEN_-_DISCUSSION

(Discussion was held off the record)

MR. KANE: My motion is to amend the decision for Hank Van Leeuwen for his requested variances, whatever the date was, and that we amend it from 45 acres to 4 acres that cannot be subdivided.

MR. KRIEGER: My understanding was it was a condition of the granting of that variance at that time that the property not be subdivided and that that can be modified so that it merely be a condition that the 4 acres on which the subject buildings are situated not be subdivided.

MR. VAN LEEUWEN: That's fine.

MR. LUNDSTROM: I'll make that motion.

MR. TORPEY: I'll second it.

ROLL CALL

MR. TORPEY	AYE
MS. LOCEY	AYE
MR. LUNDSTROM	AYE
MR. KANE	AYE

MR. VAN LEEUWEN: Thank you very much, I appreciate it,

MR. KANE: Motion to adjourn?

MR. LUNDSTROM: So moved.

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MS. LOCEY: Second it.

ROLL CALL

MR. TORPEY	AYE
MS. LOCEY	AYE
MR. LUNDSTROM	AYE
MR. KANE	AYE

Respectfully Submitted By:

Frances Roth
Stenographer